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|                                      |   |                       |
|--------------------------------------|---|-----------------------|
| In re Application of                 | : |                       |
| DEAN et al.                          | : | DECISION ON PETITION  |
| U.S. Application No.:10/089467       | : |                       |
| Int. Application No.: PCT/US00/22053 | : | UNDER 37 CFR 1.137(b) |
| Int. Filing Date: 11 August 2000     | : |                       |
| Priority Date:11 August 1999         | : |                       |
| Attorney Docket No.:CWR 2 0285 PCT   | : |                       |
| For: METHOD AND APPARATUS FOR        | : |                       |
| PRODUCING AN IMPLANT                 | : |                       |

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 27 March 2002.

### BACKGROUND

On 11 August 2000, applicant filed international application PCT/US00/22053, which claimed priority of earlier provisional applications filed 11 August 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 February 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 February 2002.

On 27 March 2002, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

International application PCT/US00/22053 became abandoned as to the United States at midnight on 11 February 2002 for failure to pay the basic national fee.

On 27 March 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR

1.17(m), and a statement that abandonment of the application was unintentional.

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

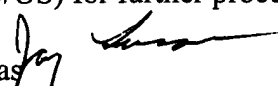
With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 11 August 2000 and a date under 35 U.S.C. 371 of 27 March 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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